

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF THE COMPLAINT OF
HUBERT YUEN and MICHELLE SAGA,
REGISTERED OWNERS OF THE 1989 27-
FOOT BAYLINER CIERA, REG. #
WN5990RR, HIN #: BL3A555T1889, FOR
EXONERATION FROM AND/OR
LIMITATION OF LIABILITY

CASE No.: 2:13-cv-01834-RAJ

~~PROPOSED~~ ORDER DIRECTING
ISSUANCE OF NOTICE,
PUBLICATION THEREOF AND
GRANTING AN INJUNCTION
RESTRAINING THE PROSECUTION
OF ANY CLAIM ARISING OUT OF,
OCCASIONED BY, OR
CONSEQUENT UPON OR
OTHERWISE CONNECTED WITH
THE INCIDENT IN QUESTION

WHEREAS, a complaint has been filed herein on October 10, 2013, pursuant to
Rules F(1) and (2) of the Supplemental Rules for Certain Admiralty and Maritime
Claims by the above-named Limitation Plaintiffs as owners and/or operators of the
1989 27-foot Bayliner Ciera, Reg. # WN5990RR, HIN # BL3A555T1889 ("Vessel"),
praying for exoneration from and/or limitation of their liability in connection with an
incident occurring on or about June 23, 2013, in which several claimants allege to have
been injured or sustained damage to their property while the Vessel was docked at the
Des Moines Marina located at 22307 Dock Avenue South, Des Moines, Washington
98198 and for certain other relief; and the Complaint having stated the facts and

~~PROPOSED~~ ORDER DIRECTING ISSUANCE OF NOTICE,
PUBLICATION THEREOF AND GRANTING AN INJUNCTION - 1

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1 circumstances upon which said exoneration and limitation are claimed; and it appearing
2 that claims have been made against Limitation Plaintiffs for loss, damage, destruction,
3 injury, or death alleged to have been incurred in consequence of the aforesaid incident;
4 and

5 WHEREAS, Limitation Plaintiffs have given a security in the sum of \$500.00 for
6 costs, plus interest at the rate of six percent (6%) from the date of security, and have duly
7 posted security therefore; and

8 WHEREAS, due to the Vessel being a complete loss, no security for value is
9 required to be deposited; and

10 WHEREAS, the Court has approved of no security for value and the security
11 for costs provided by Plaintiff pursuant to Rule F(1) of the Supplemental Rules for
12 Certain Admiralty and Maritime Claims and Local Admiralty Rule 120(b);

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a notice of
14 issue out of and under the seal of this Court in the form attached hereto, against all
15 persons claiming damages for any and all loss, destruction, damage, injury, or death
16 caused by or resulting from the aforesaid incident in the waters of the Des Moines
17 Marina, occurring on or about June 23, 2013, referred to in the Complaint, citing them
18 and each of them to file their respective claims on or before December 13, 2013; and

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the aforesaid
20 notice be given by publication thereof in the Daily Journal of Commerce, a newspaper
21 published in Seattle, once a week for at least four (4) consecutive weeks until the return
22 day of said notice, and that the first publication of said notice be at least thirty days
23 before said return day, and that a copy of said notice be served on the respective attorneys
24 for all persons and other legal entities who at the time of making this order shall have
25 filed or begun suits for damage, loss or destruction arising out of or related to the matters
26 aforesaid, together with a copy of this Order, such service to be made at least thirty (30)

1 days before the return day; and

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of said
3 notice under this order be mailed on or before the date of the second publication (1) to
4 the last known address of those persons as are reported to have been injured, as set forth
5 in the Complaint, and to any attorneys known to represent them, and (2) to such other
6 persons and other legal entities as are known to have or to assert any claim against the
7 Plaintiffs or the Vessel and to any attorney known to represent them; and

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the beginning
9 or prosecution of any and all suits, actions or proceedings of any nature or description
10 whatsoever against Limitation Plaintiffs herein, their agents, servants or employees or
11 against the Vessel, except in the present proceeding, in respect of any claim arising out
12 of, occasioned by, consequent upon or otherwise connected with the aforesaid incident,
13 or arising during the voyage upon which the Vessel was then engaged, are hereby stayed
14 and restrained until such time as the Court determines whether to dissolve the injunction;
15 and

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that service of
17 this Order as a restraining order be made within this District in the usual manner by
18 delivering a copy of this Order to the persons and other legal entities to be restrained, or
19 their prospective attorneys.

20
21 DATED this 8th day of November, 2013.

22 

23 The Honorable Richard A. Jones
24 United States District Judge